

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GREGORY S. ROBINSON,

Petitioner,

v.

SCOTT FRAKES,

Respondent.

No. C11-5302 RJB/KLS

ORDER DENYING MOTION FOR THE  
APPOINTMENT OF COUNSEL

This 28 U.S.C. § 2254 petition has been assigned to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S. C. § 636(b)(1) and Local MJR 3 and 4. Petitioner has filed a motion for the appointment of counsel. ECF No. 6. Petitioner requests the appointment of counsel because his case involved two trials and it is a complex case involving numerous constitutional questions. *Id.*

There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See *Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

1 An evidentiary hearing has not been granted in this case and the claims in the petition are  
2 adequately set forth and articulated. The court has not yet determined that an evidentiary hearing  
3 is necessary. Therefore, Petitioner's request for counsel shall be denied at this time.

4 Accordingly, it is **ORDERED**:

- 5 (1) Petitioner's motion for counsel (ECF No. 6) is **DENIED**.  
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7 (2) The Clerk is directed to send copies of this Order to Petitioner.

8 DATED this 9th day of May, 2011.

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11 Karen L. Strombom  
12 United States Magistrate Judge  
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